GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:4504
ANSWERED ON:22.08.2001
PROMOTION OF EMPLOYEES
SANAT KUMAR MANDAL

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether Hon`ble Supreme Court directed in the Raghunath Prasad Singh vs. Secretary, Home (Polic

(e), Department, Government of Bihar, AIR, 1988 (1) SC 1033 that at least two promotions must be given to an employee in his whole career and in another case the Hon`ble Supreme Court also upheld in Union of India and Ors vs. Tusar Ranjan Mohanty, JT 199(4) SC 397 that we consider promotion is a guaranteed right under Article 16(1) of the the Constitution of India;

(b) if so, whether these judgements are binding on the different Departments of the Union of India;

(c) whether consideration for promotion is a service condition; and

(d) if so, the details thereof?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING, DEPARTMENT OF PENSIONS AND PENSIONERS WE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE II DEPARTMENTS OF ATOMIC ENERGY AND SPACE. (SMT.VASUNDHARA RAJE)

(a)&(b): In the case of Raghunath Prasad Singh vs. Secretary, Home (Police) Department, Government of Bihar, the Hon`ble Supreme Court has essentially said that reasonable promotional opportunities should be available in every wing of public service. In the case of Union of India and Ors. V Syed Mohd. Raza Kazmi & Ors (JT 1992 (3) S.C. 309), the Hon`ble Supreme Court has held that it is for the departments to decide on polices of promotion which will be consistent with the interests of all employees belonging to various cadre. In the other judgement cited in part (a) of the Question, the Hon`ble Supreme Court has held that `to be considered for promotion` is a guaranteed right under Article 16(1) of the Constitution of India. The law declared by the Hon`ble Supreme Court is binding on all authorities.

(c)&(d): The right for consideration for promotion is generally accepted as a condition of service. According to the extant policy of the Government, persons eligible as per the relevant rules and within the prescribed zone of consideration are required to be considered for promotion.